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U.S.D. DISTRICT COURT

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July 7, 2010

VIA ECF AND FIRST CLASS MAIL

The Honorable Raymond J. Dearie
United States District Chief Judge
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

7/23/10
U.S. Attorney to
submit Writ for
satisfactory
As ordered

Re: *United States v. Roy Ageloff*; 98-1129S (RJD)

s/ Judge Raymond J. Dearie

Dear Chief Judge Dearie:

I represent Roy Ageloff, 98-1129S (RJD), and write to request that the Court withdraw the Court's October 9, 2009 Writ of *Habeas Corpus ad Prosequendum* (the "Writ") and permit Mr. Ageloff to be redesignated by the Bureau of Prisons to a Federal Correctional Institution in or near Miami, Florida.¹ In order to facilitate Mr. Ageloff's request, he waives the right to be physically present for future sentencing proceedings.

Background

Mr. Ageloff was convicted of one count of racketeering and sentenced to a 96 month prison sentence in August of 2001. Mr. Ageloff has since served his prison sentence in this matter, although he remains incarcerated on separate charges. Mr. Ageloff was brought to New York in November of 2009 pursuant to the Writ and has been held at the Metropolitan Detention Center in Brooklyn since November of 2009. The purpose of the Writ was to secure Mr. Ageloff's attendance at his resentencing pursuant to the Second Circuit's April 2003 mandate.

Mr. Ageloff has filed a series of applications, the majority of which remain undecided. These requests include discovery requests of the government, requests of the Court for funds to help establish his defense, at least two motions to dismiss, and a request that the undersigned be granted permission to file an interim CJA voucher. Mr. Ageloff also filed a petition for a writ of *mandamus* in the United States Court of Appeals for the Second Circuit. That petition was denied.

¹ A copy of the Writ is attached hereto.